REMARKS

In an Office Action dated February, 8 2006, the Examiner rejects Claims 1, 3, 5-9, 11, and 13-14 (All pending claims). Applicant amends claims 1, 3, 9 and 11; cancels claims 2, 4-8, 10, and 12-14; and respectfully traverses the rejections. Claims 1, 3, 9, and 11 remain in the application. In light of the following the amendments and following arguments, Applicant respectfully requests that this application be allowed.

Applicant has amended claim 1, and 9 to recite that relevant data relating to a change in state of a connection is stored in the checkpoint server responsive to a change in state in the connection. This is to better define the claimed invention. Basis for this limitation is found at page 17, lines 13-16. The Applicant also respectively traverses the Examiner's rejection.

Applicant has amended the claims to remove the term base layer and consisting of. Therefore, Applicant believes that the 35 USC §112 rejections are moot. Thus, Applicant respectfully requests that the 35 USC §112 rejections be removed.

The Examiner rejects claim 1 under 35 U. S.C. §103 as being anticipated by U.S. Patent Number 5,907,678 issued to Housel, III et al. (Housel) in view US Patent Number 6,735,205 issued to Mankude et al (Mankude). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a

teaching of each and every claimed element. Id. The Examiner has failed to provide a teaching that teaches each and every limitation of claim 1 and has not provided a proper motivation to combine the references.

Amended claim 1 recites "storing relevant data corresponding with said change of state of said existing connection in said checkpoint server responsive to a determination of said change of state in said existing connection wherein said relevant data comprises connection information and includes said unique connection identifier for use in re-establishing said connection." Housel does not teach this limitation instead Housel teaches a system that provides a cache for storing data transmitted between processing systems. See col. 11, lines 29-61. The data stored in the cache may then be used to restore communications when a connection is lost without having to transmit all of the data a second time. The difference between the Housel system and the system described in amended claim 1 is that Housel teaches storing the data **transmitted** over a connection and the claimed invention is storing data **about** the connection as is shown by the storing of the base layer. Furthermore, Housel teaches that the **entire** cache is stored when there is a change in the connection information. See Figures 6-8 See also col 14, line 42- col. 15, line 55. Thus, Housel does not teach this limitation of amended claim 1.

Furthermore, Mankude does teach this limitation. In Fact Mankude is teaching a system for forwarding packets and does not mention, in the entirety of the reference, a method for storing connection information for connections between routing systems. Thus, Mankude does not teach the storing of relevant data in response to a change of state as recited in amended claim 1.

Since neither Housel nor Mankude teaches this limitation, the combination of the references does not teach the limitations. Applicant respectfully requests that the rejection of claim 1 be removed and amended claim 1 be allowed.

Furthermore, the Examiner has not provided a proper motivation to combine the references. The Examiner has provided no motivation to do so as required by case law and the MPEP. See MPEP §2143. The Examiner is reminded that for a combination to be proper the proposed modification or combination cannot change the principle mode of operation of reference. See MPEP §2143.01. See also In re Ratti, 270 F2d. 810 (CCPA 1959). In the present invention, Housel provides a system for synchronizing checkpointing information between two systems. There is no need to provide a checkpoint server in Housel as that is not the problem being solved by Housel. Furthermore, the use of the checkpoint server becomes redundant and fundamentally changes how the system in Housel operates. Therefore, the combination of the references is not permissible. Therefore, Applicant respectfully requests that the rejection of claim 1 be removed and amended claim 1 be allowed.

Claim 3 is dependent from amended claim 1 and allowable for at least the same reasons as amended claim 1. Thus, the rejection of claim 3 is moot and must be removed for at least the same reasons as the rejection of amended claim 1.

Amended Claim 9 recites a device that stores instructions of the method recited in amended claim 1. Therefore, amended claim 9 is allowable for at least the same reasons
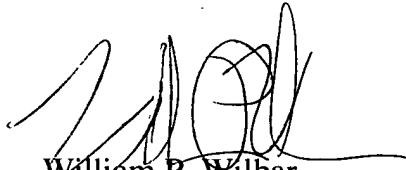
as amended claim 1. Thus, Applicant respectfully requests the rejection of claim 9 be removed and amended claim 9 be allowed.

Amended claim 11 is dependent from amended claim 9 and allowable for at least the same reasons as amended claim 9. Thus, the rejection of claim 11 is moot and must be removed for at least the same reasons as amended claim 9.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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Dated: April 12, 2006

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